

**REMARKS / ARGUMENTS**

Claims 29-53 are pending in the instant application. The Applicant respectfully submits that the claims define patentable subject matter.

The disclosure has been objected because of informalities. Claims 29-53 have been rejected under 35 U.S.C. § 102(e) as being anticipated by USP 6771661 ("Chawla").

**I. Specification**

The disclosure has been objected to for allegedly failing to disclose "computer-readable medium".

The Applicant points out that on July 17, 2007, a telephone conference was conducted between the undersigned Attorney for Applicant ("Attorney") and Supervisory Patent Examiner ("SPE") Chi Pham. The Attorney and SPE Pham discussed the rejection under 35 USC § 101 stated in the 4/20/2007 Office Action. During the telephone conference, SPE Pham advised that the rejection of claims 10-18 under 35 USC § 101 will be withdrawn if claims 10-18 are amended so that the limitation "machine-readable storage" is replaced with "computer-readable medium". The Applicant amended claims 10-18 to recite "computer-readable medium" in order to comply with SPE Pham's request.

In addition, the Applicant points out that support for the "computer-readable

medium" claims is provided in, for example, paragraphs 0066-0069 of the specification.

## **REJECTION UNDER 35 U.S.C. § 102**

### **II. Chawla Does Not Anticipate Claims 29-53**

The Applicant now turns to the rejection of claims 29-53 under 35 U.S.C. 102(e) as being anticipated by Chawla. Without conceding that Chawla qualifies as prior art under 35 U.S.C. 102(e), the Applicant respectfully traverses this rejection as follows.

With regard to the anticipation rejections under 102, MPEP 2131 states that "[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See *id.* (internal citation omitted).

#### **A. Rejection of Independent Claims 29, 37, and 45**

With regard to the rejection of independent claim 29 under 35 U.S.C. § 102(e), the Applicant submits that Chawla does not disclose or suggest at least the limitation of "utilizing said at least a portion of said reserved bandwidth during said communication session; and utilizing at least an unused remaining portion of said reserved bandwidth during at least a second communication session," as recited by the Applicant in

independent claim 29.

The Office Action states the following:

Chawla teaches a method for bandwidth management and sharing in a hybrid wired/wireless local area network (which consider as a system and method are provided which enable a data communications device to be programmed to automatically and dynamically modify allocation of resources), the method comprising:

utilizing said at least a portion of said reserved bandwidth during said communication session e.g. the reserving bandwidth is for communication between blocks in Fig. 3); and

utilizing at least an unused remaining portion of said reserved bandwidth during at least a second communication session (see bridge paragraph between col. 13 and 14).

See Office Action at pages 3-4. The Applicant respectfully disagrees with the above argument. Chawla discloses that resource allocations can be made by bandwidth reservations provided to a data communications device via a network policy or via individual bandwidth reservation messages. The bandwidth allocation information can specify a session of data communication and future bandwidth modification information, such as a time or event that will cause the data communications device to modify an amount of bandwidth reserved for the specified session of data communications. In other words, Chawla does not make a specific bandwidth reservation for purposes of using a portion of the reserved bandwidth and then using an unused remaining portion of the same reserved bandwidth. Instead, Chawla allocates resources by making entirely new bandwidth reservations (or modifications) every time the bandwidth requirements change. This is exactly what is disclosed in Chawla's Fig. 4B and the

bridging paragraph between columns 13 and 14 (relied on by the Examiner in the above argument).

More specifically, Chawla in Fig. 4B describes how different bandwidth reservations can be made based on the time of day (no bandwidth reservation for voice data required during 7pm to 7am; 2Mbps bandwidth reserved for 7am-5pm; 4Mbps of bandwidth reserved for 11.30am-12.30pm and 5.30pm-7pm time slots). Again, Chawla does not make a specific bandwidth reservation for purposes of using a portion of the reserved bandwidth and then using an unused remaining portion of the same reserved bandwidth, as recited in Applicant's claim 29.

The Applicant maintains that Chawla does not disclose or suggest at least the limitation of "utilizing said at least a portion of said reserved bandwidth during said communication session; and utilizing at least an unused remaining portion of said reserved bandwidth during at least a second communication session," as recited by the Applicant in independent claim 29.

Accordingly, independent claim 29 is not anticipated by Chawla and is allowable. Independent claims 37 and 45 are similar in many respects to the method disclosed in independent claim 29. Therefore, the Applicant submits that independent claims 37 and 45 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

**B. Rejection of Dependent Claims 30-36, 38-44, and 46-53**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 29, 37, and 45 under 35 U.S.C. § 102(e) as being anticipated by Chawla has been overcome and request that the rejection be withdrawn. Additionally, claims 30-36, 38-44, and 46-53 depend from independent claims 29, 37, and 45, respectively, and are, consequently, also respectfully submitted to be allowable.

Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 29-53.

**CONCLUSION**

Based on at least the foregoing, the Applicant believes that all pending claims 29-53 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and request that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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